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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,717	07/10/2003	Thomas A. Ross	0443-0017	2622

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CHICAGO, IL 60606

EXAMINER

HOEL, MATTHEW D

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,717

Applicant(s)

ROSS, THOMAS A.

Examiner

Matthew D. Hoel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/22/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. A new oath or declaration is required. The declaration scanned into the record on Jan. 20th, 2004 is smudged on the entire left side. The inventor's residence, citizenship, and mailing address are not legible. Also, the names and registration numbers of the authorized practitioners (attorneys or agents) are not legible.
2. It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.
3. The combined declaration and power of attorney is not in permanent ink, or its equivalent in quality, as required under 37 CFR 1.52(a)(1)(iv).
4. It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.
5. It does not identify the citizenship of each inventor.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

7. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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9. Determining the scope and contents of the prior art.
10. Ascertaining the differences between the prior art and the claims at issue.
11. Resolving the level of ordinary skill in the pertinent art.
12. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 1 to 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattern, et al. (WIPO patent application publication WO 98/31980, application PCT/US97/00693) in view of Barcelou (U.S. patent 6,048,271 A).

14. As to Claim 1: Mattern, et al. in '693 disclose all of the elements of Claim 1, but lack specificity as to an award dispenser which dispenses an award in response to a signal from a processing unit when a predetermined number of game requirements are achieved. '693 teaches an electronic dart game assembly including an electronically-scored dart board containing a plurality of scoring segments (Fig. 1), and a processing unit for determining when at least one player who is playing a dart game at the dart board achieves a predetermined game requirement by scoring one of the scoring segments with a dart (24, Fig. 2). Barcelou, however, in '271 teaches a dispenser which dispenses an award when a predetermined number of game requirements are achieved (currency acceptor/disburser, Figs. 2 and 3; Col. 6, Line 56 to Col. 7, Line 7). It would be obvious to one of ordinary skill in the art to apply the currency disburser of '271 to the electronic dart game of '693. The currency acceptor/disburser of '271 is designed to be used with, specifically, electronic dart machines (Col. 2, Lines 25 to 42). The advantage of this combination would be to stimulate players' interest in the dart game by allowing them to win prizes for a game of skill ('271, Col. 1, Lines 60 to 67). This would also allow the establishment to stay legal by offering prizes for a game of

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skill instead of offering prizes for sometimes-illegal games of chance ('271, Col. 2, Lines 1 to 4).

15. As to Claim 2: The processor of '693 generates an instruction to the player as to which scoring segment must be hit by a dart thrown by the player to achieve a predetermined game requirement (Page 13, Lines 22 to 27; Page 13, Line 35 to Page 14, Line 4).

16. As to Claim 3: The processor of '693 is capable of adjusting the level of difficulty in achieving the predetermined game requirement (different time intervals resulting in different difficulty levels, Page 13, Lines 33 to 34).

17. As to Claim 4: The processor of '693 includes artificial intelligence to adjust the level of difficulty in achieving the predetermined game requirement (computer-calculated handicaps to level playing field between players; Page 6, Lines 27 to 34; Page 7 Lines 25 to 33).

18. As to Claims 5 and 7: The processor of '693 generates an instruction to the player as to the amount of time in which a dart must be thrown by the player and determines whether the dart has been thrown within that time (Figs. 3 and 6; Page 8, Lines 1 to 8; Page 14, Lines 10 to 34).

19. As to Claims 6 and 8: The processor of '693 is capable of adjusting the amount of time (Page 7, Lines 25 to 34).

20. As to Claim 9: '693 teaches a dart game that provides a first instruction as to which scoring segment of a dart board must be struck by a dart thrown by a player of the game (Page 13, Lines 22 to 27). The player in '693 throws a dart toward the dart

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board (Page 13, Lines 27 to 29). '693 detects whether the dart did or did not strike the instructed scoring segment and awards a mark to the player if the dart did strike the instructed scoring segment, and refrains from awarding a mark to the player if the dart did not strike the instructed scoring segment (Page 13, Line 35 to Page 14, Line 2).

'693 provides a second instruction as to which scoring segment of a dart board must be struck by a second dart to be thrown by a player of the game (Page 13, Lines 22 to 27).

'693 repeats the steps until all of the darts of all of the players have been thrown (21 darts, 7 rounds of 3 darts each, Page 13, Line 29 to Page 14, Line 8; moves to next player's turn, Page 14, Lines 31 to 34).

21. As to Claim 10: '693 teaches providing another instruction as to the amount of time in which a dart must be thrown by a player of the game, detecting whether the dart was or was not thrown within the instructed amount of time, and awarding a mark to the player if the dart did strike the instructed scoring segment and was thrown within the instructed amount of time, and refraining from awarding a mark to the player if the dart was not thrown within the instructed amount of time (Figs. 3 and 6; Page 8, Lines 1 to 8; Page 14, Lines 10 to 34).

22. As to Claims 11 and 15: In '693, the dart game includes at least two players, and the game includes at least two rounds in which each player throws some of the player's darts in the first of the rounds, and the remainder of the player's darts in the second and/or subsequent rounds (Page 14, Lines 2 to 4).

23. As to Claims 12 and 16: In '693, each player throws three darts per round (Page 14, Lines 2 to 4).

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24. As to Claims 13 and 17: Giving each player 15 darts per game and having 5 rounds per game would be an obvious design choice to one of ordinary skill in the art.

25. As to Claims 14 and 18: '693 gives an award to a player who achieves a predetermined number of marks (winner is player with highest score after seven rounds, Page 15, Lines 20 to 23).

Citation of Pertinent Prior Art

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Houriet, et al. in U.S. patent 6,076,021 A teach a system for handicapping players of electronic darts. Martin, et al. in U.S. patent 6,279,912 B1 teach a method and apparatus for electronic darts. Martin, et al. in U.S. pre-grant publication 2002/0171204 A1, application 10/145,259, teach an electronic darts game. McDonald, et al. in U.S. patent 5,559,490 A teach an apparatus for scoring electronic dart games. Honeknan, et al. in U.S. patent 4,567,461 A teach an electronic dart game scoreboard. Miguel, et al. in U.S. patent 5,593,349 A teach an automated league and tournament system for electronic games.

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

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28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew D. Hoel, Patent Examiner
AU 3713



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TC3700